

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

JARVIS SHERMAN (9)
DEFENDANT

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CRIMINAL NO. 4:24-CR-371

MOTION TO DISMISS COUNTS 1 AND 5 OF INDICTMENT
FOR FAILURE TO STATE AN OFFENSE

TO THE HONORABLE JUDGE LEE H. ROSENTHAL:

COMES NOW JARVIS SHERMAN, Defendant, and requests the Court to Dismiss counts 1 and 5 of the pending indictment and would show the court the following:

I

Defendant, JARVIS SHERMAN, is charged with conspiracy to commit wire fraud (count 1) and wire fraud (count 5) in violation of 18 U.S.C. §§ 1349, 1343 and 2(a).

II.

On November 20, 2024, defendant #10, Mr. Eugene Walker, through his attorney, Joshua Lake filed a motion to dismiss counts 1 and 6 for failure to state an offense. Count 1 alleged a conspiracy violating 18 U.S.C. §1349 and § 1343. Count 6 alleged a violation of 18 U.S.C. §1349 and § 2(a). Mr. SHERMAN'S

counts 1 and 5 are nearly identical to Mr. Walker's counts 1 and 6, factually and legally. Therefore, they suffer the same defects as described in Mr. Walker's motion to dismiss. Mr. Walker's motion is exceedingly well crafted with an astute legal analysis. It does not require additional legal briefing. Additionally, several other co-defendants have filed similar motions to dismiss based on Walker's original motion. Counsel for Mr. SHERMAN, incorporates the arguments and legal analysis in those motions in so far as they may apply to his counts.

III.

Counsel for SHERMAN conferred with counsel for Eugene Walker. Mr. Walker's counsel has no objection to Mr. SHERMAN adopting his arguments and legal analysis. Mr. SHERMAN, therefore, does so.

THEREFORE, Defendant prays this Court grant this motion and allow JARVIS SHERMAN to adopt the legal reasoning and analysis as stated above and in doing so dismiss counts 1 and 5 of the indictment.

Respectfully Submitted,

/s/ J. A. (JOE) SALINAS, III

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion was served via electronic filing to all counsel of record in this case on February 5, 2025.

/s/ J. A. (JOE) SALINAS, III
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